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**FILED**  
WILLIAMSPORT, PA

MAY 20 2002

MARY E. D'ANDREA, CLERK  
Per SK DEPUTY CLERK

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MANUEL RAMOS, :  
Plaintiff :  
v. : Civil No. 1:CV-00-1957  
MARGARET HARDEN, Warden, : (Kane, J.)  
et al., : (Smyser, M.J.)  
Defendants :

**FEDERAL DEFENDANTS' MOTION TO DISMISS**

The federal defendants ask this Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

THOMAS A. MARINO  
United States Attorney

*Matthew E. Haggerty*

MATTHEW E. HAGGERTY  
Assistant U.S. Attorney  
MICHELE E. LINCALIS  
Paralegal Specialist  
316 Federal Building  
240 West Third Street  
Williamsport, PA 17703

Date: May 20, 2002

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MANUEL RAMOS,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-00-1957
	:	(Kane, J.)
MARGARET HARDEN, Warden,	:	(Smyser, M.J.)
et al.,	:	
Defendants	:	

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on May 20, 2002, she served a copy of the attached

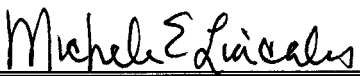
**FEDERAL DEFENDANTS' MOTION TO DISMISS**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Manuel Ramos  
Reg. No. 37563-053  
U.S. Penitentiary  
P.O. Box 7000  
Florence, CO 81226

David W. Saba, Esquire  
Suite 113, Park Building  
400 Third Avenue  
Kingston, PA 18704

  
\_\_\_\_\_  
MICHELE E. LINCALIS  
Paralegal Specialist

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MANUEL RAMOS,	:
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Defendants	:

O R D E R

NOW, this \_\_\_\_ day of \_\_\_\_\_, 2002, upon consideration of the federal defendants' motion to dismiss, **IT IS HEREBY ORDERED THAT** the complaint is dismissed with a certification that any appeal shall be deemed frivolous, lacking in probable cause and not taken in good faith.

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YVETTE KANE  
United States District Judge